India in its 97th report recommended for an amendment to Section 28 of the India Contract Act, 1872. The report of the Law Commission has been studied and it is felt that the present legal position envisaged under Section 28 cannot bedefended as a matter of justice, logic and convenience. In view of this, it is proposed to amend Section 28 of the Indian Contract Act, 1872 so as to render invalid such contractual clauses in an agreement which purport to extinguish the rights of a party on the expiry of a specified term or which discharge the party from any liability under the contract on such expiry. As such I commend that this Bill be taken into consideration.

The question was proposed.

RE: CLOSURE OF INDUSTRIES IN DELHI AS A RESULT OF DIRECTIONS OF THE SUPREME COURT.

SHRI NILOTPAL BASU (West Bengal): Madam, a small submission is there.

THE VICE-CHAIRMAN (SHRIMATI KAMLA SINHA): Let him finish.

SHRI NILOTPAL BASU: Madam, just one minute's submission.

THE VICE-CHAIRMAN (SHRIMATI KAMLA SINHA): One minute's submission? Kindly take your seat. He wants to seek a clarification.

SHRI NILOTPAL BASU: Madam, in the morning at the beginning of the Zero Hour we had mentioned about the Supreme Court judgement and the adverse effect on some of the industries in Delhi. At that time the Minister had subsequently come and told us that he was not having any information about the developments in the Supreme Court. So now it appears that he has some information. So it will be in the fitness of things if he passes on the information available to him to the House.

SHRI GURUDAS DAS GUPTA (West Bengal): We are interested because a large number of workers have been thrown out of their jobs.

SHRI NILOTPAL BASU : The date for enforcement of the Supreme Court order is 30th November.

THE VICE-CHAIRMAN (SHRIMATI KAMLA SINHA): Okay, after the Minister's information we are not going to discuss the matter. Then, Mr. Kovind will speak. Mr. Minister.

THE MINISTER OF WELFARE (SHRI BALWANT SINGH RAMOOWALIA): Hon. Vice-Chairperson, I was directed by the Chair yesterday that I should report to the hon. august House as soon as I get any information from the Supreme Court regarding the hon. Supreme Court's previous order of relocation of industries from Delhi to outside, in the adjoining areas of Delhi. Now, Madam, I have to report to the hon. House that an application for directions on behalf of the Union of India by the under-signed, has been moved today before a bench consisting of hon. Justice Kuldip Singh and hon. Justice B.C. Hansaria. The learned Additional Solicitor-General, Shri Altaf Ahmed, explained the effect of closure without relocating 168 industries on 13th November, 1996 as per the order of the hon. Court in case No. 22/4677 of 1985. He also submitted that a large number of the said industries, instead of taking steps and making *bona fide* efforts to relocate, have intimated their intentions to close down the said industries. Shri M.C. Mehta, the Petitioner in person, Shri Dadachanji counsel for some industries and Shri Sanjay Prakash for the trade unions, were heard in the matter. After hearing the parties at length. Their Lordships were pleased to take the petition on Board and issued notice to all parties and listed the matter for 4th December 1996. Their Lordships were also pleased to direct to effect *dasti* also; *dasti* in addition to the nornal service. We have therefore, made a request for taking immediate steps for effecting *dasti* on all parties today itself. Madam, Government has already taken steps, we are rushing to all these 168 employees as per the directions of the hon. Supreme Court. We are hopeful that the industrialists, instead of ..... (*Interruptions*)....

SHRI JIBON ROY: What will be the status of the industries tomorrow?

THE VICE-CHAIRMAN (SHRIMATI KAMLA SINHA): I am not going to allow any discussion on this now.

SHRI JIBON ROY: They are closed now.

THE VICE-CHAIRMAN (SHRIMATI KAMLA SINHA): Kindly take your seat. No discussion, no, no... (*Interruptions*)... We are taking up the Bill now.

SHRI JIBON ROY: I want to know the status of the industries.

THE VICE-CHAIRMAN (SHRIMATI KAMLA SINHA): Let him finish

SHRI BALWANT SINGH RAMOOWALIA: Madam, we are hopeful. From this order, if seems that the hon. Supreme Court had taken cognizance of our plea that the industrialists, instead of relocating their industries, are more interested in closing them down and we are trying to sell 32% of the land which was allotted to them for their own use. This is the position.

THRI NILOTPAL BASU: What happens to the period between 30th November, 96 and 4th December, 96?

THE VICE-CHAIRMAN (SHRIMATI KAMLA SINHA): Mr. Basu and Mr. Gupta, if you want to seek clarifications on what the Minister has said just now, you can do so after 5.00 p.m., after the Private Members' Business is over subject to the permission of the Chair. Now, kindly take your seats.

SHRI GURUDAS DAS GUPTA: I agree with you, Madam. I agree with what you say and I bow down in reverence to the judgment which you have just now pronounced. But the problem is this. Today is the last day and tomorrow is a holiday. If nothing is done today, if nothing tangible is done today and if no revision petition is filed today, what happens is that all the deliquent industrialists of Delhi will take recourse to closing down their industries saying that they are only implementing the judgement of the hon. Supreme Court. Therefore, the only remedy is that the Government must immediately seek a stay till the application is heard. If there is no stay, it means that more than a lakh of workers will be left with nothing; they will lose their bread. Being a trade unionist, please allow us for a moment to listen to the hon. Minister regarding the steps he had taken.

THE VICE-CHAIRMAN (SHRIMATI KAMLA SINHA): But we cannot go on seeking clarifications on this point.

SHRI GURUDAS DAS GUPTA: But the problem is a very serious one.... (*Interruptions*).....

SHRI NILOTPAL BASU: Madam, the question involves the livelihood of thousands of workers.

SHRI GURUDAS DAS GUPTA: Madam, we are not at all interested in interrupting the normal business of the House. We are quite agreeable to that. But there is no alternative. After 5.00 p.m. the Supreme Court will close and we cannot knock at the door of justice late in the night. Therefore, please allow us half a minute to hear the hon. Minister. Let the hon. Minister give a reply to our questions.

THE VICE-CHAIRMAN (SHRIMATI KAMLA SINHA): Mr. Minister, do you have something to say on what the hon. Members are saying?

SHRI BALWANT SINGH RAMOOWALIA: Madam Vice-Chairman, I explained yesterday that we were deeply concerned and that we were undertaking damage control of the fall-out of the decision of the hon. Supreme Court. The moment I am free here, I am going to have a meeting with all the concerned Ministries. Yes, the views expressed by the hon. Members are correct. They questioned as to what would happen before this midnight. For that, we are meeting just now. We will do something within our limits. We are just going to meet. There are four Ministries involved in this question. I am rushing to them.

THE VICE-CHAIRMAN (SHRIMATI KAMLA SINHA): The Minister has said that he is deeply concerned about the issue ... (*Interruptions*)... No, Mr. Jibon Roy, you cannot do like this. Now, Shri Ram Nath Kovind.

THE INDIAN CONTRACT (AMENDMENT) BILL, 1992 (CONT'D)

SHRI RAM NATH KOVIND (Uttar Pradesh): Madam Vice-Chairman, I thank you once again. I am grateful to you for giving me this opportunity to participate in the debate in respect of the Indian Contract (Amendment) Bill, 1992.